

Appl. No. 09/700,585  
Amdt. Dated October 4, 2005  
Reply to Office action of August 12, 2005  
Attorney Docket No. P09430-US1  
EUS/J/P/05-3243

### **REMARKS/ARGUMENTS**

Claims 1-9 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

#### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 1, 4, 6 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rainey et al, in view of Bushnell newly recited reference. The Examiner's consideration of the amended claims is respectfully requested.

The Rainey reference appears to disclose automatic message accounting that stores actual call routing set-up at the time of a call being answered by a called subscriber station. The set-up is packaged in a data field of a message that is then sent upstream through the actual call routes. However, Rainey does not send a Call Data Record to the exchange of the network prior to receiving a call answer message, as claimed in claims 1, 6 and 9 of the Applicant's invention.

The Bushnell reference is cited to supply the missing element of outputting a Call Data Record (CDR) to a data storage system (billing system). Bushnell appears to disclose a method and apparatus for recording call features, whenever they are activated. Call feature activation records are gathered together and analyzed to assist telecommunications customers in making decisions about the types of call features they should buy. (Abstract). The only reference to a partial call data record is found in Col. 5, lines 63-67 to Col. 6, lines 1-3. "For the situation where the originating switch and the terminating switch may not be cooperatively linked to provide complete call activity records, partial records may be kept and analyzed separately for the originating call activity and the terminating call activity of customers. (Col. 5, lines 63-67 to Col. 6, lines 1-3). The partial records are stored and are analyzed separately from the complete call records; they are not transmitted to the data storage system prior to receipt of a call answer message, or prior to actual confirmation of a call connection.

The present invention, as described by claim 1, discloses receiving caller identity information at an MSC during call setup. The MSC temporarily stores the information

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and sends an incoming call alert message to the called device. If the MSC receives a call answer message, at least the received and stored caller identity information is output from the MSC to the data storage system. (Abstract). A partial Call Data Record "containing less call information than a normal Call Data Record" is received at the data storage system prior to receiving a call answer message. This makes possible, for example, real-time billing and fraud detection prior to or during a call.

In contrast to the present invention, neither Rainey nor Bushnell suggest sending a partial CDR to the data storage system prior to receiving a call answer message, as in the present invention (Page 8, Lines 19–26). The Applicants respectfully assert that claim 1 is patentable over Rainey and Bushnell individually and a combination of Rainey and Bushnell. This being the case, independent claims 6 and 9, which contain limitations analogous to those limitations in claim 1 are also patentable over the Rainey and Bushnell references. Furthermore, dependent claims 4, 5, 7 and 8, which contain the same novel limitations found in their respective independent claims are also patentable over the Rainey and Bushnell references. Therefore, withdrawal of this ground of rejection is respectfully requested.

Claims 2 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rainey in view of Bushnell and in further view of Amin et al. (hereinafter Amin). The Applicant respectfully traverses the rejection of these claims

The Amin reference appears to disclose providing a wireless (cellular telephone) subscriber with the capability of changing the assignment of the party that pays for a call. Amin was cited for teaching a cellular network with billing features. It is respectfully submitted that Amin does not address the above-identified deficiencies of Rainey and Bushnell with respect to the Applicants' invention. The combination of the Rainey, Bushnell and Amin references fails to teach or suggest receiving a partial CDR prior to receiving a call answer message at the data storage system. The allowance of claims 2 and 8 is respectfully requested.

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Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rainey in view of Bushnell and Amin and in further view of Plush et al. (hereinafter Plush) and Vaziri et al. (hereinafter Vaziri). The Applicant respectfully traverses the rejection of this claim.

The Vaziri reference appears to disclose a server that generates billing records. Vaziri is cited for generating a partial billing record that contains a telephone number. The cited portion of Vaziri does indicate generating a partial billing record. However, the billing record is completed and provided to the billing server at the end of the transaction. "At the end of the transaction, the ISB adds the duration (of the call) to the partial billing record to produce a complete billing record, which is provided to the billing server at the beginning of the next transaction. (Para. 158) However, Vaziri does not provide a partial CDR during a call.

The Plush reference seems to disclose a billing method and apparatus for a cellular system, which includes a GSM network. In particular, the GSM network with the MSC is suggested as the elements missing from the other references and the MSC is from which the CDR is output. However, Plush does not teach or suggest the element missing from Rainey, Bushnell, Amin and Vaziri, which is that of sending a partial CDR prior to receiving a call answer message. In addition, Applicant submits that there is no suggestion or motivation in Rainey, Bushnell, Amin or Plush to combine the references to teach the claimed invention. The allowance of claim 3 is respectfully requested.

Claims 5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rainey in view of Bushnell, further in view of Buscher et al. (hereinafter Buscher) and in further view of Vaziri et al. The Applicant respectfully traverses the rejection of these claims.

The Buscher reference is cited to supply the missing element of outputting a Call Data Record (CDR) to an external billing system. Buscher appears to disclose delivering a CDR to a customer in real time during progression of the call and/or immediately after the call has been terminated. (Abstract) However, Buscher discloses that "delivering a call record in real time" means that a call record is delivered to the

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pertinent customer immediately after the call has been terminated. (Col. 3, lines 30-38). Buscher does not deliver a partial CDR prior to or during the call. The Applicant respectfully requests the withdrawal of the rejection of these claims.

### **Interview with the Examiner**

In an interview with the Examiner, October 4, 2005, the Applicant discussed the Response to Arguments in paragraphs 7 and 8 of the Detailed Action of the Final Office Action dated August 12, 2005. It was determined that the Explanation in paragraph 7 would stand. After discussing paragraph 8, it was determined that though the wording is different in the referenced claim, the wording in the last element in claims 1 and 6 is essentially the same as the wording used in the Applicant's argument in the response to the Non-Final Office Action. The argument phrasing in question (paragraph 8), "sending a partial CDR to the data storage system prior to receiving a call answer message" and the claim element with the pertinent phrases underlined is shown below:

prior to receiving a call answer message at the exchange outputting from the exchange to said data storage system a partial Call Data Record containing less call information than a normal Call Data Record. (emphasis added)

With regard to independent claim 9, the Examiner and Applicant agreed that a phrase present in the last element changed the meaning of the claim with respect to the other independent claims and both agreed claim 9 would likely be more acceptable with this phrase removed. The element in question with the phrase underlined is shown below.

"...output means for outputting, prior to or in response to receipt of said call answer message, from the exchange to a data storage system, a partial call data record containing less call information than a normal Call Data Record."

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### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



By Sidney L. Weatherford  
Registration No. 45,602

Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-8656  
sidney.weatherford@ericsson.com